



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

12/Election
x Smith
1/23/03

In re the Application of

Inventors: M. DUSSAC, et al. Art Unit: 3644
Application No.: 09/980,125 Examiner: S. Holzen
Filed: November 30, 2001
For: DAMPING STRUCTURE AND APPLICATIONS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

In response to the Election of Species Requirement dated December 17, 2002, the applicant hereby provisionally elects Species B, Figure 2, with traverse. The Applicants submit that claims 1-5, 12, 13, 26-30 and 37-43 read thereon. Claims 1 and 26 are considered generic.

The Applicant respectfully requests withdrawal of the Election of Species Requirement. No unduly extensive or burdensome search would be required to examine the claims of the various species in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions."

In the present case, the search for all pending claims together would not be burdensome, since the fields of search would likely overlap and pertinent art to the claims of the identified

species would likely be found while searching each of the inventions individually.

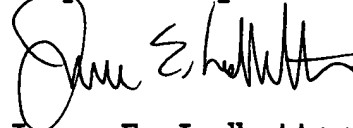
Moreover, from the standpoint of costs to the applicant involved in filing, issuance and maintenance fees relating to separate applications if the present requirement were maintained, it is clear that there is substantially more burden on the Applicant by imposing the present requirement than on the Patent Office if the requirement were withdrawn.

In addition, it is noted that to require the claims of the various species to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, in order to review closely related subject matter.

Therefore, withdrawal of the election requirement is warranted.

Reconsideration and withdrawal of the election requirement are respectfully requested.

Respectfully submitted,



James E. Ledbetter
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Date: January 17, 2003

JEL/ejw

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